# HOUSE OF REPRESENTATIVES Roll Call FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE

DATE:	2.	21	.0	7
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NAME	PRESENT	ABSENT/ EXCUSED
REP. ALAN OLSON, CHAIR	V	
REP. HARRY KLOCK, VICE CHAIR	V	
REP. GEORGE GROESBECK, VICE CHAIR	V	
REP. SCOTT BOGGIO	V	·
REP. ROBYN DRISCOLL	V	
REP. DAVE GALLIK	V	
REP. DENNIS HIMMELBERGER	V	
REP. LLEW JONES	V	
REP. DIANE RICE	V	
REP. WAYNE STAHL	V	
REP. BILL THOMAS		
REP. JONATHAN WINDY BOY		



February 22, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on Federal Relations, Energy, and Telecommunications recommend that House Joint Resolution 40 (first reading copy -- white) be adopted.

Signed:

Representative Alan Olson, Chair

- END -

Committee Vote: Yes 12, No 0 Fiscal Note Required

400907SC.hjd ybn 2/22,/07



February 22, 2007 Page 1 of 3

Mr. Speaker:

We, your committee on Federal Relations, Energy, and Telecommunications recommend that House Bill 611 (first reading copy -- white) do pass as amended.

Signed:

Representative Alan Olson, Chair

#### And, that such amendments read:

1. Page 2, lines 7 through 9.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 2.

Following: line 14

Insert: "(3) "End user connection" means a customer's connection

to a service provider's network."

Renumber: subsequent subsections

3. Page 2, line 25.

Following: "service."

Insert: "The term includes providers of telecommunications
 service including but not limited to providers of internet
 protocol-enabled voice communications service."

4. Page 2, line 28.

Following: "switched"

Insert: "telephone network"
Following: "protocol-enabled"

Insert: "voice"
Strike: "networks"

Insert: "service"

5. Page 5, line 19.
Strike: "access line"

Insert: "end user connection"

**Committee Vote:** 

Yes 12, No 0

Fiscal Note Required

400908SC.hjd jbn 2122107 6. Page 5, line 26.
Following: "(3)"
Insert: "(a)"

7. Page 5, line 30. Following: "service"

Strike: "."

Insert: "or a prepaid wireless telephone service provider shall
 remit an amount equal to the fees established in subsection
 (1) after collecting the amount using one of the following
 options:

- (i) on a monthly basis, the prepaid service provider shall collect an amount equal to the fees established in subsection (1) from each active prepaid subscriber whose account balance is equal to or greater than the fees established in subsection (1); or
- (ii) the prepaid service provider shall divide the total intrastate monthly revenue by the average revenue for each prepaid subscriber of the wireless industry to determine the number of prepaid subscribers. The fees established in subsection (1) are then applied to the number of prepaid subscribers.
- (b) Each service provider shall file a return provided by the department reporting the amount of fees collected on access line services during the quarter."
- 8. Page 7, line 10 through line 15. Strike: section 10 in its entirety Renumber: subsequent sections
- 9. Page 7, line 19.
  Strike: "[section 10]"
  Insert: "53-19-311"
- 10. Page 7, line 20.
  Strike: "[section 10]"
  Insert: "53-19-311"
- 11. Page 7, line 23.
  Strike: "[section 10]"
  Insert: "53-19-311"
- 12. Page 7, line 27.
  Strike: "[section 10]"
  Insert: "53-19-311"
- 13. Page 8, line 11.
  Strike: "[section 14]"
  Insert: "15-1-216"
- 14. Page 8, line 24 through line 29.

Strike: section 13 in its entirety Renumber: subsequent sections

15. Page 10, line 1. Strike: "15" Insert: "13"

16. Page 10, line 3. Strike: "15"
Insert: "13"

- END -



February 22, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on Federal Relations, Energy, and Telecommunications recommend that House Bill 715 (first reading copy -- white) do pass as amended.

Signed: Representative Alan Olson, Chair

And, that such amendments read:

1. Page 1, line 16.

Strike: "Earnings"

Insert: "Except as provided in (5)(b), earnings"

2. Page 2, line 7.
Following: "(5)"
Insert: "(a)"

3. Page 2.

Following: line 8

- END -

Committee Vote:
Yes 8, No 4
Fiscal Note Required

400909SC.hjd jbn 2122107



February 22, 2007 Page 1 of 4

Mr. Speaker:

We, your committee on Federal Relations, Energy, and Telecommunications recommend that House Bill 739 (first reading copy -- white) do pass as amended.

Signed:

Representative Alan Olson, Chair

#### And, that such amendments read:

1. Title, line 5 through line 8.

Strike: "AUTHORIZING" on line 5 through "DATE" on line 8

Insert: "DEFINING TERMS; PROHIBITING CERTAIN ACTIONS OF A

MUNICIPAL ELECTRIC UTILITY; ESTABLISHING APPLICATION FILING
REQUIREMENTS; REQUIRING THE PUBLIC SERVICE COMMISSION TO
REVIEW MUNICIPAL ELECTRIC UTILITY APPLICATIONS AND ISSUE
ORDERS; REQUIRING A PUBLIC VOTE; ALLOWING THE COMMISSION TO
HIRE INDEPENDENT CONSULTANTS TO ASSIST IN APPLICATION
REVIEWS; AUTHORIZING THE COMMISSION TO ADOPT RULES; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
DATE"

2. Page 1.

Following: line 10

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Definitions. Unless the context requires otherwise, as used in [sections 1 through 6], the following definitions apply:

- (1) "Jurisdiction" means the physical boundaries of a local government entity forming the municipal electric utility or the service territory of a municipal electric utility, whichever is larger.
- (2) "Local government entity" has the meaning provided for in 2-7-501(7)(a).
- (3) "Municipal electric utility" means any local government entity or an entity created by a local government for the purpose of generating, transmitting, or distributing electricity to retail customers."

Insert: "NEW SECTION. Section 2. Prohibition. Except as

Committee Vote:

Yes 9, No 3

Fiscal Note Required

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provided in [sections 1 through 6], a municipal electric utility may not:

- (1) acquire facilities that generate, transmit, or distribute electricity to customers; or
- (2) expand the municipal electric utility's jurisdiction."

  Insert: "NEW SECTION. Section 3. Filing requirements. (1)

  Prior to a municipal electric utility issuing more than \$5

  million of general obligation or revenue bonds or spending more than a total of \$5 million of public funds for the initial acquisition of electric generation, transmission, or distribution facilities or for the expansion of its jurisdiction, the municipal electric utility shall file an application with the commission.
  - (2) The application must include the following information:
- (a) the municipal electric utility possesses the legal authority necessary to provide electricity to the customers located within its jurisdiction;
- (b) the municipal electric utility is governed by an elected governing body;
- (c) the municipal electric utility is subject to rate and service conditions by the governing body;
- (d) the municipal electric utility has made provisions for an adequate and reliable supply of electricity for customers within its jurisdiction at prices and on terms and conditions that are more favorable than those provided by the existing public utility for that service;
- (e) the municipal electric utility will assume a proportionate share of all potential costs being incurred by the existing public utility that serves the proposed jurisdiction of the municipal electric utility, including but not limited to the costs for:
- (i) the acquisition of electricity from qualifying facilities as identified in Title 69, chapter 3, part 6; and
- (ii) compliance with the renewable resource standards contained in Title 69, chapter 8, part 10; and
- (f) any other information that is requested by the commission by rule."
- Insert: "NEW SECTION. Section 4. Commission review. (1) The commission shall review the application submitted pursuant to [section 3] for completeness within 45 days and notify the applicant of any deficiencies.
- (2) (a) Except as provided in subsection (2)(b), the commission shall issue an order within 270 days of receiving a complete application.
- (b) The commission may extend the time period in subsection (2)(a) for an additional 90 days if it determines that extraordinary circumstances necessitate the extension.
- (3) The application must be reviewed pursuant to the contested case provisions of the Montana Administrative Procedure Act.
  - (4) The commission order must include the following

findings:

- (a) the proposed action by the municipal electric utility to initiate the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction will provide customers with safe and reliable service at just and reasonable rates;
- (b) the proposed rates of the municipal electric utility will be less than rates of the existing public utility providing service to the municipal electric utility's proposed service jurisdiction;
- (c) the proposed action of the municipal electric utility will have no adverse effect on the existing public utility or its customers; and
- (d) the proposed action by the municipal electric utility is in the public interest.
- (5) If the commission finds that the application of a municipal electric utility to initiate the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction will have adverse effects upon the existing public utility or the public utility's customers or that the application or expansion of the municipal electric utility's jurisdiction is not in the public interest, the municipal electric utility may not proceed with acquisition of electric generation, transmission, or distribution facilities or the expansion of its jurisdiction."

"NEW SECTION. Section 5. Public vote. (1) Within 120 days after the commission has issued an order approving the municipal electric utility's application as provided in [section 4], the municipal electric utility shall submit its proposal for the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction for approval by a majority of the voters in all areas where the municipal electric utility serves customers or proposes to serve customers.

(2) If, pursuant to subsection (1), the voters do not approve the municipal electric utility's proposal, the municipal electric utility may not proceed with acquisition of electric generation, transmission, or distribution facilities or the expansion of its jurisdiction."

Insert: "NEW SECTION. Section 6. Commission application review fees -- rulemaking. (1) The commission may engage independent consultants or advisory services to evaluate a municipal electric utility's application. The commission shall charge a fee to the municipal electric utility to pay for the costs of the consultants or advisory services.

(2) The commission may adopt rules to implement the provisions of [sections 1 through 6]."

Insert: "NEW SECTION. Section 7. Codification instruction.

[Sections 1 through 6] are intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 1 through 6]."

Insert: "NEW SECTION. Section 8. Effective date. [This act]

is effective on passage and approval."

Insert: "NEW SECTION. Section 9. Retroactive applicability.

[Section 3(1)] applies retroactively, within the meaning of 1-2109, to January 1, 2004, for the purposes of calculating the expenditure of public funds for the municipal electric utility's acquisition of electric generation, transmission, or distribution facilities or for the expansion of its jurisdiction."



February 22, 2007 Page 1 of 1

Mr. Speaker:

We, your committee on Federal Relations, Energy, and Telecommunications recommend that House Bill 763 (first reading copy -- white) do pass.

Signed

Representative Alan Olson, Chair

- END -

Committee Vote: Yes 8, No 4 Fiscal Note Required \_\_\_\_

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### **COMMITTEE FILE COPY**

### **TABLED BILL**

The HOUSE FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE TABLED HB 586, HB 626, HB 709, HB 758, by motion, on Wednesday, February 21, 2007.

(For the Committee) (Chief Clerk of the House

(Time) (Date)

February 22, 2007

Cynthia A. Peterson, Secretary

Phone: 444-4705

### **Roll Call Vote**

### FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE

MOTION:  BILL NO 14858	MOTION	NO	<u> </u>
155	96-00	Pass	
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HARRY KLOCK, VICE CHAIR	·	L	•
REP. GEORGE GROESBECK, VICE CHAIR	V		
REP. SCOTT BOGGIO		V	
REP. ROBYN DRISCOLL			
REP. DAVE GALLIK	V		·
REP. DENNIS HIMMELBERGER		W	
REP. LLEW JONES		W	
REP. DIANE RICE		V	
REP. WAYNE STAHL			
REP. BILL THOMAS			
REP. JONATHAN WINDY BOY	V		
REP. ALAN OLSON, CHAIR	•	V	

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### **Roll Call Vote**

### FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2.21 07 BILL NO	MOTION	NO	
MOTION:	3709 – 1	Do Pa	SS
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HARRY KLOCK, VICE CHAIR	V		
REP. GEORGE GROESBECK, VICE CHAIR		V	
REP. SCOTT BOGGIO	V		
REP. ROBYN DRISCOLL		V	
REP. DAVE GALLIK		V	
REP. DENNIS HIMMELBERGER	V		
REP. LLEW JONES		V	
REP. DIANE RICE			
REP. WAYNE STAHL			<u>.</u>
REP. BILL THOMAS		V	
REP. JONATHAN WINDY BOY		VP	
REP. ALAN OLSON, CHAIR	1/		

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### **Roll Call Vote**

### FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2-210/ BILL NO HB71: MOTION:	5_motion	NO	
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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HARRY KLOCK, VICE CHAIR	1		
REP. GEORGE GROESBECK, VICE CHAIR		V	
REP. SCOTT BOGGIO	1		
REP. ROBYN DRISCOLL		V	
REP. DAVE GALLIK		V	
REP. DENNIS HIMMELBERGER	1/		

REP. LLEW JONES

REP. DIANE RICE

REP. WAYNE STAHL

REP. BILL THOMAS

REP. JONATHAN WINDY BOY

REP. ALAN OLSON, CHAIR

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### **Roll Call Vote**

### FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE A A 1 O / BILL NO HB73	<u>39</u> motion 1	NO	
MOTION:	The Oliver	2000	<b>D A</b>
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NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HARRY KLOCK, VICE CHAIR	V		
REP. GEORGE GROESBECK, VICE CHAIR	V	·	
REP. SCOTT BOGGIO	V	-	
REP. ROBYN DRISCOLL	V		
REP. DAVE GALLIK			
REP. DENNIS HIMMELBERGER	/		
REP. LLEW JONES	V		
REP. DIANE RICE	V		
REP. WAYNE STAHL	V		
REP. BILL THOMAS			
REP. JONATHAN WINDY BOY	VP		
REP. ALAN OLSON, CHAIR	V		

### **Roll Call Vote**

### FEDERAL RELATIONS, ENERGY & TELECOMMUNICATIONS COMMITTEE

DATE 2 21 07 BILL NO H376 MOTION:	<u>ර</u> MOTION	NO	
	763 Do	Pass	
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. HARRY KLOCK, VICE CHAIR	V		
REP. GEORGE GROESBECK, VICE CHAIR	V		
REP. SCOTT BOGGIO			
REP. ROBYN DRISCOLL		V	
REP. DAVE GALLIK		V	
REP. DENNIS HIMMELBERGER			
REP. LLEW JONES	VP	·	
REP. DIANE RICE	V		
REP. WAYNE STAHL	1		
REP. BILL THOMAS		V	
REP. JONATHAN WINDY BOY		VP	
REP. ALAN OLSON, CHAIR	1		

I request to be excused from the	he	FRI	ET				
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(Signatu	re)	, —						

### Montana House of Representatives Visitors' Register

FEDERAL RELATIONS, ENERGY,

Bill Nos. 626, 709, 715 ponsor(s) Henry Vincent, Olson, Ankney, 739, 758, 763, HU 40 Windy Bay
PLEASE PRINT PLEASE BRINE

Name	Representing	Bill No.	Support	Oppose	Info.
Bruce Smichild	Chippera crec	40	X		
Kerin Smith	DNEC	758		X	
CLINT JACOBI	DRY PRAIRIE	40	X		
Kate Whitney	PSC	626		X	
Lett Whitey	- <del>186</del>	45			*
Kati Whitney	P32	739			У
DOUG HRADY	MRCA	709	1		
MituRadel	FEC	709	χ		
Kie Blown	REEC	709	X		
CHUCK MAGRAW		758		XX	-
Drane Klindworth	Big Flot Electric	709	×		
Molly Immen	MTAUdubon	HB 709		$\times$	
	Central My Dectric	#890gr	X		
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Debbushen		HB763	X		
Hand Continuel	Governir	H6758	ę	X	
fail Cartage	(ogsbern	HB709		X	
HALEY BEAUDRY	CFAC and CELP	HB 758		×	

Rep. Julie Funch
Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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# Montana House of Representatives Visitors' Register

FEDERAL RELATIONS, ENERGY,			
AND TELECOMMUNICATIONS CO	OMMITTEE	Date 2 2	1.07
HBs: 626,709,715, Bill Nos.739,758,763, Sponsor(s)	kerns, Vinc	ent, Olson	Ankney
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Name	Representing	Bill No.	Support	Oppose	Info.
Bill Passoe	Great Norther	715	*		
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John aske	mou			X	
Alan Sed	DWEC	HJ41	X		
Webb brand	MT CHAMBER	1+18715	$\sim$	·	
STEVE PICKER	MT Stockgrover	H540	X		
Gar, Amocto	Bulas nut (an)	HB715	×		
Carda Pagre	SME	148709	X		
Matt Leon	MontPIRG	HB709		X	
Certy Carvo	11154	715			X
Derrie Pinzari	DPHHS	763			X
JOAN Miles	NOHHS	763			X
Patrick Judge	MEIC	763	Ø	<b>M</b> X	
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deha Forgaraill	Northwarrow	739	X		
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

### Montana House of Representatives Visitors' Register

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Bill Nos. 139, 758, 763 Spon	usor(s) Kerns, Vir	rent Olson, An	Knav
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Name	Representing	Bill No.	Support	Oppose	Info.
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.